

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL AYALA, NICOLE A. PACHECO,
DOMENICA L. O'NEILL, MICHAEL
C. ESTRADA, RICHARD A. GUZMAN,
MICHAEL K. GUEVARA, CESAR
CASTILLO, MAUMER KLLAPIJA,
JASON GONZALEZ, and CRISTIAN
SALAZAR,

07 Civ. 8186 (CLB)

**PLAINTIFFS' STATE-
MENT PURSUANT TO
RULE 56.1**

Plaintiffs,

-against-

CITY OF YONKERS, New York,

Defendant.
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Plaintiffs, by their attorneys Lovett & Gould, LLP, submit the following statement of incontrovertible facts in accordance with Local Rule 56.1:

1. Section 100-35 of the City of Yonkers Code provides in relevant part: "No person shall distribute, hand out, cast about any card, circular, pamphlet or printed matter within any park or upon any public place" (Exhibit 4 to Lovett Affirmation).

2. By criminal informations (Exhibit 3 to Lovett Affirmation) the Plaintiffs have been respectively charged with violating Section 100-35 for handing out and/or distributing on City-owned property copies of The Westchester Guardian newspaper.: People v. Ayala, CO-110927; People v. Pacheco, CO-055498; People v. O'Neill, CO-110929; People v. O'Neill, CO-046066; People v. Estrada, CO-046062; People v. Guzman, CO-0460663; People v. Guzman, CO-055497; People v. Guevara, CO-046061;

People v. Castillo, CO-110926; People v. Killapija, CO-104273; and People v. Salazar,
CO-90605.

Dated: White Plains, N.Y.
October 5, 2007

LOVETT & GOULD, LLP

By: 

Jonathan Lovett (4854)

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